

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GARY WAYNE HOWELL,

Plaintiff,

-against-

MILLER PROCTER NICKOLAS,

Defendant.

23CV10361 (LTS)

CIVIL JUDGMENT

For the reasons stated in the October 24, 2024, order, this action is dismissed. By order dated June 10, 2024, the Court directed Plaintiff to file an amended complaint within sixty days. That order specified that failure to comply would result in dismissal of the complaint for failure to state a claim upon which relief may be granted. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed in forma pauperis (IFP) under 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii). The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). SO ORDERED.

Dated: October 24, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge